



USPTO/ACQUITY/PCT 03 MAY 2006

PCT

PATENT
5504-1265

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Florian HEIKE et al.

Mail Stop PCT

Application No. 10/522,896

Conf. 8423

Filed February 1, 2005

ILLUMINATING SYSTEM HAVING SEQUENTIAL COLOR
FILTERING AND A HIGH-PRESSURE DISCHARGE LAMP

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 3, 2006

Sir:

Applicant responds to the Notification of Defective Response as follows:

The Notification of Defective Response states that the declaration of the inventors does not comply with 37 CFR 1.497(a) and (b) in that the title has not been translated into English. Applicant requests that the Notification of Defective Response be withdrawn, and the application forwarded for prosecution on the merits.

While not stating so explicitly, it appears that the Notification relies on 37 CFR § 1.497 (a) (2), which requires

that the declaration identify the specification to which it is directed. The Manual of Patent Examining Procedure (MPEP) provides the details of the requirement for such identification.

MPEP 602 VI specifies the minimum requirement for identification of the application. Specifically in connection with declarations filed after the filing date of the application, the application may be identified by either the application number or the serial number and filing date. The declaration as filed clearly identifies the International application PCT/DE2004/000870, as well as its filing date of April 26, 2004.

While it is true that the Declaration provides the title of the application only in German, this does not render the Declaration defective. As the identified MPEP section makes clear, the Declaration need not identify the title at all. The Declaration must precisely identify the application, and the original Declaration does so.

As the declaration as originally filed is believed to be in full compliance with the rules of U.S. practice, applicants respectfully request reconsideration and withdrawal of the Notification of Defective Response and prompt consideration of the present application as to its merits.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may

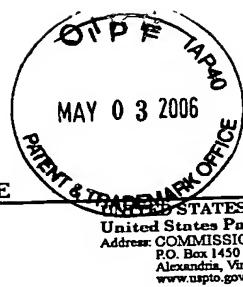
contact the undersigned attorney so that this application may
continue to be expeditiously advanced.

Respectfully submitted,

YOUNG & THOMPSON


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EJ/msd



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UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/522,896	Florian Heike	03P06168

INTERNATIONAL APPLICATION NO.	
PCT/DE04/00870	
I.A. FILING DATE	PRIORITY DATE
04/26/2004	04/30/2003

24252
OSRAM SYLVANIA INC
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CONFIRMATION NO. 8423

371 FORMALITIES LETTER



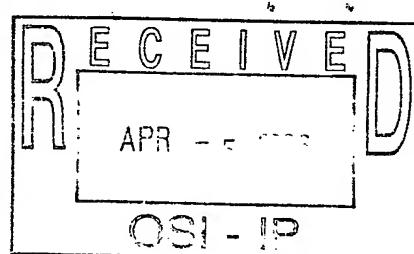
OC000000018443299

Date Mailed: 04/03/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/01/2005
- Copy of the International Search Report filed on 02/01/2005
- Preliminary Amendments filed on 02/01/2005
- Information Disclosure Statements filed on 02/01/2005
- Oath or Declaration filed on 01/27/2006
- Request for Immediate Examination filed on 02/01/2005
- Copy of references cited in ISR filed on 02/01/2005
- U.S. Basic National Fees filed on 02/01/2005
- Priority Documents filed on 02/01/2005
- Non-English Language Application filed on 02/01/2005
- Specification filed on 02/01/2005
- Claims filed on 02/01/2005
- Abstracts filed on 02/01/2005
- Drawings filed on 02/01/2005



Applicant's response filed 01/27/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 12/15/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Declaration filed not in compliance with 37 CFR 1.497(a) and (b), because title has not been translated into english.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,896	PCT/DE04/00870	03P06168

FORM PCT/DO/EO/916 (371 Formalities Notice)